

**MANUAL CHANGE TRANSMITTAL**


RW 0001 (REV. 10/93)

XX	R/W MANUAL CHANGE (1993 Edition)
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**RWMC- 156**

	PROCEDURAL HANDBOOK (1984 Edition)
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TRANSMITTAL#\_\_\_\_

TITLE: RELOCATION ASSISTANCE	APPROVED BY:  DONALD GREBE	DATE ISSUED: <b>JAN 11 2006</b>
SUBJECT AREA: CHAPTER 10 - RELOCATION ASSISTANCE	ISSUING UNIT: OFFICE OF RIGHT OF WAY PROJECT DELIVERY	
SUMMARY OF CHANGES: Restores Form RW 10-43 (REV 12/2001) "as is" and updates Forms Table of Contents.		

**PURPOSE/BACKGROUND**

This manual change restores Form RW 10-43 (REV 12/2001) "as is." It was inadvertently deleted in RWMC-154.

**PROCEDURES**

RW 10-43 NOTICE OF ELIGIBILITY - NONOCCUPANT OWNER LEASING SPACE TO OTHERS  
Restores Form RW 10-43 (REV 12/2001) "as is."

**EFFECTIVE DATE**

Immediately.

**MANUAL IMPACT**

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

**REVISION SUMMARY**

<b><u>Chapter</u></b>	<b><u>Remove Old Pages</u></b>	<b><u>Insert New/Revised Pages</u></b>
	Remove the following in its entirety:	Replace with the following in its entirety:
10 - Forms	Table of Contents (REV 12/2005) -----	Table of Contents (REV 1/2006) RW 10-43 (REV 12/2001)

## CHAPTER 10

### Relocation Assistance Table of Contents

#### FORMS

<b><u>Form No.</u></b>	<b><u>Title</u></b>
RW 10-1	Owner's Certification of Tenants
RW 10-2	Claim for Relocation Assistance - Residential
RW 10-3	Relocation Diary
RW 10-4	Hold for Future Use
RW 10-5	Payment Request & Relocation Cost Summary
RW 10-6	Relocation Assistance Appeal
RW 10-7	General Information Notice
RW 10-8	Notice of Intent to Acquire – Owner-Occupant
RW 10-9	Hold for Future Use
RW 10-10	Hold for Future Use
RW 10-11	Hold for Future Use
RW 10-11A	Hold for Future Use
RW 10-12	Hold for Future Use
RW 10-13	Hold for Future Use
RW 10-14	Hold for Future Use
RW 10-15	Hold for Future Use
RW 10-16	Hold for Future Use
RW 10-17	Hold for Future Use
RW 10-18	90-Day Information Notice – Residential Occupant
RW 10-19	90-Day Information Notice – Nonresidential Occupant
RW 10-20	90-Day Specific Notice – Residential Occupant
RW 10-21	90-Day Specific Notice – Nonresidential Occupant
RW 10-22	Hold for Future Use
RW 10-23	30-Day Specific Notice – Residential Occupant
RW 10-24	30-Day Specific Notice – Nonresidential Occupant
RW 10-25	Certificate of Occupancy and Receipt of Relocation Information
RW 10-26	Hold for Future Use
RW 10-27	Agreement: (Condemnation Settlement Pending) Price Differential Advance to Owner-Occupant
RW 10-28	Hold for Future Use
RW 10-29	Residential - Claim for Moving Expense by Moving Service Authorization
RW 10-30	Claim for Relocation Assistance - Nonresidential
RW 10-31	Hold for Future Use
RW 10-32	Hold for Future Use
RW 10-33	Hold for Future Use
RW 10-34	Hold for Future Use

**Form No.****Title**

RW 10-35	Hold for Future Use
RW 10-36	Hold for Future Use
RW 10-37	Hold for Future Use
RW 10-38	Notice to Acquisition of In-Lieu Payment or Reestablishment Expenses
RW 10-39	Income Certification
RW 10-40	Decent, Safe, and Sanitary Inspection Report
RW 10-41	Computation of Rent Differential Payment
RW 10-42	Replacement Housing Valuation Report Certification and Approval
RW 10-43	Notice of Eligibility - Nonoccupant Owner Leasing Space to Others
RW 10-44	Certification Concerning Legal Residency in the United States (U.S. Residency Certification)
RW 10-44s	Certificacion Concerniente A Residencia Legal En Los Estados Unidos
RW 10-45	Agreement to Occupy Replacement Property
RW 10-46	Hold for Future Use
RW 10-47	Self Move Agreement and Claim Form for Under \$10,000 Acquisition

**NOTICE OF ELIGIBILITY - NONOCCUPANT  
OWNER LEASING SPACE TO OTHERS**

RW 10-43 (REV 12/2001)

DATE	FILE REFERENCE:
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_ :

On \_\_\_\_\_, 20\_\_\_\_, the Department of Transportation made an offer to purchase all or a portion of the property that you own. As a potential eligible owner of the property, you may be eligible for certain benefits under the Department's Relocation Assistance Program if the Department determines you meet the following criteria:

1. You lease or rent the entire property to another and you have no personal property nor do you conduct any business at this site.
2. The leasing or rent activity is a legitimate business and not considered an investment as determined by a review of your income tax records.
3. The income from the leased or rented site contributed materially to your income.
4. Your operation is considered a "small business" and is not a franchise or chain operation.

If it is decided that you meet the above criteria, you may be eligible for a Non-Occupant Owner Reestablishment Payment that is outlined below. *It is vitally important that you understand the conditions described below which must be met before any payments can be made.*

As a small business owner you may be eligible to receive a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing your leasing activity at a replacement site. Reestablishment expenses must be reasonable and necessary as determined by the Department. They may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property as required by Federal, State, or local law, code or ordinance.
2. Modifications to replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
3. Construction and installation costs for exterior signing to advertise the business.
4. Provision of utilities from right of way to improvements on the replacement site.
5. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
6. Licenses, fees and permits.
7. Feasibility surveys, soil testing and marketing studies.
8. Advertisement of replacement location.
9. Professional services in connection with the purchase or lease of a replacement site.
10. Estimated increased costs of operation during the first two years at the replacement site for such items as:
  - 1) Lease or rental charges.
  - 2) Personal or real property taxes.
  - 3) Insurance premiums.
  - 4) Utility charges, excluding impact fees.

## NOTICE OF ELIGIBILITY - NONOCCUPANT OWNER LEASING SPACE TO OTHERS (Cont.)

RW 10-43 (REV 12/2001)

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11. Impact fees or one time assessments.
12. Other items that the Department considers essential to the reestablishment of the business, such as incidental expenses necessary to purchase a replacement property and customarily paid by the buyer.
13. Expenses related to the purchase of the property that are considered non-recurring escrow costs. Note: recurring expenses such as insurance, property taxes, and interest are not eligible expenses

In order to receive relocation benefits, you must within 18 months of the Department's acquisition of your property:

1. Acquire a new replacement property; other property acquired prior to the Department's first written offer for this site is ineligible.
2. The new site must be leased or rented to another as evidenced by an executed agreement with the proposed occupant.
3. Provide documentation (invoices, proof of payment, contracts) to be reimbursed for any of the eligible expenses as listed above.

To ensure you expend funds on items that are considered eligible for reimbursement you should review proposed expenditures with your Relocation Agent prior to entering into any contractual agreements.

However, you should be aware that you are not entitled to payment under reestablishment regulations for any of the following:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures.
- Purchase of manufacturing material, production supplies, product inventory or other items used in the normal course of the business operation.
- Interest on money borrowed to make the move or purchase the replacement property.
- Any expenditures related to any other property you had owned prior to the Department's first written offer to acquire this property.

Under the Relocation Assistance Advisory Assistance Program, the Department will assist you in finding a replacement property. If you want assistance, please contact your relocation advisor.

Reestablishment expenses are not considered as income for the purposes of personal income tax laws. Relocation payments are normally made within sixty (60) days of the date that the Department receives your completed claim.

Your lessee or tenant will be given at least 90 days written notice before they will be required to move their personal property from this real property. You will be given an opportunity to rent the vacated site to the Department at fair market value if the acquisition of the site has not been completed.

It is important that you understand the matters explained above which relate to your eligibility. If at any time you want assistance, please contact me by writing, telephoning, or visiting me at the address listed below.

**IMPORTANT:** To receive payment for moving and reestablishment expenses outlined under items 2 and 3 above, you must file a claim for expenses actually incurred in moving and reestablishing the small business at a replacement site within 18 months after the displacement or the date of the final payment for the acquisition of your real property, whichever is later.

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**NOTICE OF ELIGIBILITY - NONOCCUPANT  
OWNER LEASING SPACE TO OTHERS (Cont.)**

RW 10-43 (REV 12/2001)

Displacees not lawfully present in the United States are ineligible for relocation payments and assistance. Certification of legal U.S. residency status must be on file with the Department for all household members in order to receive benefits.

Sincerely,

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Relocation Agent,

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ADDRESS:

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PHONE:

**ACKNOWLEDGMENT**

I was personally contacted by the above Relocation Agent for the Department of Transportation. I have had the available services and entitlements explained to me. I have been advised that the Department of Transportation Relocation Services Section will be available to assist me if any questions arise or assistance is needed. I have been given a copy of this letter.

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DISPLACE:

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DATE